

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.


04-cr-35-01-SM

Luis Caraballo

ORDER

Re: Document No. 35, Motion for Transcript

Ruling: Denied. Petitioner states merely that the identified transcripts are necessary for him to "begin the process of filing his motion pursuant to 28 U.S.C. Section 2255 to Vacate, Set Aside or Correct Sentence." The court cannot certify, based on the pleading filed, that either the anticipated claim is not frivolous, or that transcripts are needed to decide any issue presented, for the obvious reasons that the anticipated claim has not been described, and, no issue has yet been presented for decision. See *Ellis v. State of Maine*, 448 F.2d 1325 (1st Cir. 1971); 28 U.S.C. Section 753(f).


Steven J. McAuliffe
Chief District Judge

Date: November 13, 2006

cc: Luis Caraballo, pro se